THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9274 of 2007

Date: 30.04.2007

Between:

The Mosque Bada Huzura, Cooperative Colony,
Sionpuram, Kadapa District

....Petitioner

and

The District Wakf Officer, Kadapa and others

....Respondents

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O R D E R:

The petitioner submits that the 3rd respondent herein had occupied a portion of the Wakf property in Kadapa town and even though the Chief Executive Officer of the Wakf Board addressed letter dated 9.11.2006 to respondents 1 and 2 to take necessary steps, no action has been taken thereon. He seeks appropriate direction in this regard.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Wakf Board.

It is, no doubt, true that the Chief Executive Officer of the Wakf Board addressed letter dated 9.11.2006 to the respondents 1 and 2, stating that the 3rd respondent and certain others are trying to occupy the Wakf lands and damaged the walls of the mosque. He requested the respondents 1 and 2 to safeguard the mosque and the property therein.

The Wakf Act, 1995 (for short 'the Act') contains extensive provisions to protect the properties of Wakf institutions. Whenever any encroachment is noticed, the Wakf Board has to initiate steps under Section 54 of the Act. If any order directing eviction of an individual

from the Wakf land is passed under that provision, the execution thereof is to be carried out in accordance with Section 55 of the Act. Mere addressing of letters to police officials does not sub-serve the purposes.

The writ petition is disposed of directing that it shall be open to the petitioner to approach the Wakf Board to initiate proceedings under Sections 54 and 55 of the Act. As and when such an application is made by the petitioner, the Wakf Board shall take necessary steps without any loss of time. No costs.

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L.NARASIMHA REDDY, J

30th April, 2007.
cvm